

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LINDA JOY SILVA
a.k.a. LINDA JOY GRIFFITH
214 NE 16th Street
Ankeny, IA 50021

Registered Nurse License No. 508463

Respondent

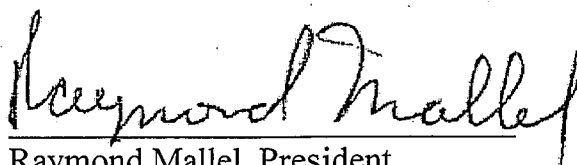
Case No. 2013-548

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **May 24, 2013.**

IT IS SO ORDERED **May 24, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
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Supervising Deputy Attorney General
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Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2013-548

11 **LINDA JOY SILVA AKA LINDA JOY**
12 **GRIFFITH**

13 214 NE 16th Street
14 Ankeny, IA 50021

15 Registered Nurse License No. 508463

16 Respondent.

STIPULATED SURRENDER OF
LICENSE AND ORDER

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18 In the interest of a prompt and speedy resolution of this matter, consistent with the public
19 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
20 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
21 will be submitted to the Board for approval and adoption as the final disposition of the
22 Accusation.

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board
25 of Registered Nursing. She brought this action solely in her official capacity and is represented in
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Katherine
27 Messana, Deputy Attorney General.

28 2. Linda Joy Silva aka Linda Joy Griffith ("Respondent") is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

1 3. On or about February 15, 1995, the Board of Registered Nursing issued Registered
2 Nurse License No. 508463 to Linda Joy Silva aka Linda Joy Griffith. The Registered Nurse
3 License expired on December 31, 2002, and has not been renewed.

4 **JURISDICTION**

5 4. Accusation No. 2013-548 was filed before the Board of Registered Nursing (Board),
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
7 and all other statutorily required documents were properly served on Respondent on January 17,
8 2013. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
9 Accusation No. 2013-548 is attached as **Exhibit A** and incorporated by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 2013-548. Respondent also has carefully read, and understands the effects of this
13 Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 2013-548, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
26 License No. 508463 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation she enables the Board to issue
28 an order accepting the surrender of her Registered Nurse License without further process.

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1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Registered Nursing.

3 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
4 of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. 2013-548 shall be deemed to be true, correct and admitted by Respondent when
12 the Board determines whether to grant or deny the petition.

13 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
14 associated with its investigation and enforcement pursuant to Business and Professions Code
15 section 125.3 in the amount of \$825.00. Respondent shall be permitted to pay these costs in a
16 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
17 Board from reducing the amount of cost recovery upon reinstatement of the license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 2013-548 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
24 years from the effective date of the Board of Registered Nursing's Decision and Order.

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DATED:

ENDORSEMENT

Dated:

Stipulated Surrender of License (Case No. 2013-548)

Exhibit A

Accusation No. 2013-548

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
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3 KATHERINE MESSANA
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4 State Bar No. 272953
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-548*

11 **LINDA JOY SILVA AKA LINDA JOY**
12 **GRIFFITH**

A C C U S A T I O N

13 214 NE 16th Street
14 Ankeny, IA 50021

15 Registered Nurse License No. 508463

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about February 15, 1995, the Board of Registered Nursing issued Registered
23 Nurse License Number 508463 to Linda Joy Silva aka Linda Joy Griffith ("Respondent"). The
24 Registered Nurse License expired on December 31, 2002, and has not been renewed.

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JURISDICTION AND STATUTORY PROVISIONS

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code also provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. California Code of Regulations, title 16, section 1419.3 provides:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

(a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.

(b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

8. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

following: (a) Unprofessional conduct, which includes, but is not limited to, the

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

...

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.”

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by Other Jurisdiction)

10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of the Code in that she was disciplined by the Board of Nursing of the State of Iowa ("Iowa Board") and the Missouri State Board of Nursing ("Missouri Board"), as follows:

11. On or about August 22, 2006, the Iowa Board approved a Notice of Hearing, Statement of Matters Asserted, Settlement Agreement and Final Order (“Order”) in the disciplinary matter entitled *In the Matter of Linda J. Silva*, Case No. 06-264. In the Order, Respondent agreed to immediately relinquish all right, title and privilege to practice nursing in the state of Iowa. The circumstances underlying the disciplinary action by the Iowa Board are that on September 15, 2003, Respondent submitted an application for licensure to the Iowa Board. On this application, Respondent indicated that her license had never been disciplined. However, Respondent’s license to practice nursing was disciplined by the Arizona Nursing Board in 2002.

1 As part of the Order, Respondent also acknowledged that she is unable to safely practice nursing
2 at this time.

3 12. Effective July 20, 2007, Respondent and the Missouri Board entered into a Settlement
4 Agreement Between Missouri State Board of Nursing and Linda Silva, RN ("Settlement
5 Agreement") in Case No. 2006-006100, in which Respondent voluntarily surrendered her license
6 to practice nursing in that state. The circumstances underlying the disciplinary action by the
7 Missouri Board are that the Iowa Board accepted the voluntary surrender of Respondent's Iowa
8 license based upon the "inability to practice nursing with reasonable skill and safety" and "oral or
9 written misrepresentation relating to degrees, credentials, licensure status, records and
10 applications." The disciplinary action by the Iowa Board is described in more particularity in
11 paragraph 11 above, inclusive and hereby incorporated by reference.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 13. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
15 Code on the grounds of unprofessional conduct in that Respondent was unable to practice nursing
16 with skill and safety and that Respondent made oral or written misrepresentation relating to
17 degrees, credentials, licensure status, records and applications. The conduct is described in more
18 particularity in paragraph 11 above, inclusive and hereby incorporated by reference.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Violation of Nursing Practice Act)**

21 14. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
22 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
23 described in more particularity in paragraphs 10 through 13 above, inclusive and hereby
24 incorporated by reference.

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PRAYER

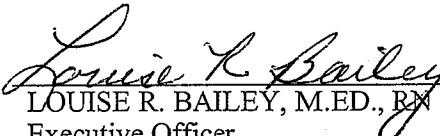
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 508463, issued to Linda Joy Silva aka Linda Joy Griffith;

2. Ordering Linda Joy Silva aka Linda Joy Griffith to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: JANUARY 17, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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